

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

Applicant thanks Examiner Nguyen for the indication of allowable matter in claims 8, 13 and 17.

NEW INFORMATION DISCLOSURE STATEMENT

The Examiner's attention is directed to a new information disclosure statement filed concurrently with this response.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

The rejection of claims 1, 3-6, 9, 14-16, 18 and 21-22 under 35 U.S.C. §103(a) as being unpatentable over O'Connor '544 in view of Vogel '788 has been obviated by appropriate amendment and should be withdrawn.

The rejection of claim 10 under 35 U.S.C. §103(a) as being unpatentable over O'Connor in view of Lahat et al. '074 has been obviated by appropriate amendment and should be withdrawn.

The rejection of claims 11, 12, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over O'Connor in view of Vogel and Larsen '553 has been obviated by appropriate amendment and should be withdrawn.

The allowable matter of claim 8 has been incorporated into claim 1. The allowable matter of claim 17 has been

incorporated into claim 16. As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn. Claims 15, 21 and 22 have been canceled.

PRIOR IDS SUBMISSIONS

Applicants's representative respectfully requests consideration of the non-patent documents submitted with (i) the September 22, 2000 Information Disclosure Statement and (ii) the August 25, 2003 Supplemental IDS. Both the September 2000 and the August 2003 Supplemental Information Disclosure Statements were submitted under 37 CFR 1.97(b) and believed to be in conformance with the 37 CFR 1.97 timing requirements and the 37 CFR 1.98 content requirements as discussed in MPEP §609. In particular, both Information Disclosure Statements were submitted prior to the mailing of the first Office Action on the merits per 37 CFR 1.97. Both Information Disclosure Statements also included (1) a list of the documents submitted for consideration, (2) a legible copy of each document and (3) all of the documents were in English per 37 CFR 1.98. Therefore, all of the documents should have been considered..

The present Office Action and the October 24, 2003 Office Action do not provide any explanation why the submitted documents were not considered **as required by MPEP §609 III C(1)**. Therefore,

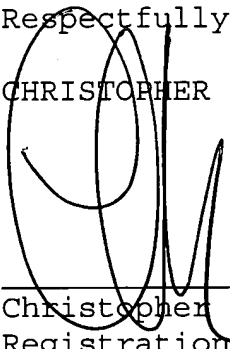
the Examiner is respectfully requested to either (i) consider all of the documents or (ii) provide an explanation for each document not being considered and provide a one-month period to submit any alleged omissions and/or corrections per MPEP Form Paragraph 6.51. Clean copies the relevant September 22, 2000 and August 25, 2003 PTO-1449 forms are enclosed for the Examiner to initial. A copy of the references is not included as the references were submitted earlier.

The Examiner is respectfully invited to call the Applicant's representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



Christopher P. Maiorana
Registration No. 42,829
24840 Harper, Suite 100
St. Clair Shores, MI 48080
(586) 498-0670

Dated: August 27, 2004

Docket No.: 0325.00371